

Robert Gorell
Fishery Management Officer
Office of Sustainable Fisheries- SF3
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Gorell :

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the National Marine Fisheries Service's (NMFS) Draft Programmatic Environmental Impact Statement (PEIS) on Codified Regulations at 50 CFR Part 300 Subparts A and G, Implementing Conservation and Management Measures Adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CEQ # 20050268). Based on our review of the DPEIS, EPA has no objections to the proposed action. However, the enclosure identifies a few issues that we suggest be clarified in the FPEIS.

We appreciate the opportunity to review this DPEIS. We look forward to reviewing future documents related to this proposed action. The staff contact for this review is Matthew Harrington and he can be reached at (202) 564-7148.

Sincerely,

Anne Norton Miller
Director
Office of Federal Activities

cc: Steve Kokkinakis, NOAA Office of Strategic Planning
John Hansel, NMFS Office of Sustainable Fisheries

Comments for Clarification in the Final EIS

- 1.) The DPEIS appears to assess only the environmental impacts from the U.S. commercial harvest activities. Given the United States limited involvement in Antarctic fisheries, the DPEIS concludes the U.S. harvest levels are of minimal concern. Based on the DPEIS, NMFS should clarify in the FPEIS that it is addressing only harvest rates of U.S. vessels.
- 2.) In developing modeling parameters to assess krill catch limits, the value for B_0 (pre-exploitation of krill biomass) was developed from results of a study done in 2000. However, the DPEIS states that krill has been harvested in the survey area since at least 1994. Accordingly, we suggest that the FPEIS provide a rationale for using the 2000 data as “pre” exploitation levels.
- 3.) The DPEIS provides a range of alternatives that is based on either one half or twice the catch limits that are derived from fisheries independent (research surveys) and fisheries dependent data. The FPEIS should discuss the rationale for the use of these limits to bound the alternatives analysis.
- 4.) The DPEIS states that the bycatch of species for which there is no catch limit in force is set at 50 metric tons (mt). In addition, the PEIS discusses how there will be requirements for vessels to move from an area for a specified period if bycatch limits are exceeded. The FPEIS should provide the rationale for the 50 mt catch limit and the requirements to move, if limits are exceeded.